

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 15, 1981  
6:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Mayor Pro Tem Trevino

Absent: None

The Invocation was given by Reverend B.E. Moore, United Pentacostal Church.

CRIME STOPPERS

Mayor McClellan announced that Certificates of Appreciation will be presented to members of the Crime Stoppers Program. She asked Chief of Police Dyson to explain the program. Chief Dyson told Council and the Chamber audience, "This has probably been one of the most successful crime prevention and crime apprehension programs that the Austin Police Department has ever been involved in. I think it has been successful because of the interaction of community and the Police Department in a very successful way. Because of the action of some people who really agreed to involve themselves, I think we have one of the outstanding crime programs in the United States. We have had great success with the program and we are delighted with the results we have achieved with it during the short period of operation." Chief Dyson then called the following members of the Board of Directors who were present in the Council Chamber to come forward and receive their Certificate: Philip Spies, B.H. Amstead, Dick Mathys, Arturo Garcia, Joe Jerkins, Jann Sasser, Al Zarker, Glen Duncan, Ronda Morris, J. Adoue Parker, Jim Pearson, Robert Saxon, Police Sergeant George Vanderhule, and Mr. Oliphant.

Mayor McClellan thanked the Chief and members of the Crime Stoppers for their valuable contribution to the community. ✓

#### EMS CERTIFICATES AND PROCLAMATION

Mayor McClellan announced that she would read a special proclamation accompanied by some special certificates commemorating the creation of the Emergency Medical Services in 1975. "We are all aware of and appreciative of the difference that has made in saving lives in this community. The Council also created the EMS Quality Assurance Team to act in an advisory capacity on the standards of performance and procedure of our EMS Department. On January 1, 1976 our Austin EMS Department began operation of what has become one of the finest EMS systems in this nation. The quality and care of service has always met our standards of excellence. Tonight we want to honor those people who have dedicated themselves to this standard of excellence by recognizing their completion of five years of service with our EMS Department." The Mayor asked Sue Edwards, Director of EMS to come forward and introduce those who will receive the Five Year Certificates for EMS.

Ms. Edwards introduced the following members EMS employees who were in the Council Chamber: Kenny Albrecht, Helen Alvarado, Gordon Bergh, James Briscoe, Pam Conner, Charles Evans, Claire Fitzgerald, Frank Fitzgerald, Diane Goss, Bobby Guiterrez, Don Heath, Richard Herrington, Don Johnson, Victoria Lummus, Mike Morris and Dennis Simmons. Mayor McClellan presented Certificates to these employees.

The following members of the Quality Assurance Team were introduced to the Council Chamber: Dr. Roy Leamon, Michael Levy, Dr. Glen Johnson, Mary Campbell R.N., and Elaine Shapiro. Mayor McClellan read the proclamation designating January 15, 1981 as Emergency Medical Services Day. Ms. Edwards thanked her for the proclamation.

#### ALFONSO RAMOS DAY

Mayor Pro Tem Trevino read a proclamation designating January 18, 1981 as Alfonso Ramos Day. Margie Ramos, Moses Saldana, Roy Montelongo and Moses Vasquez were in the Council Chamber to receive the proclamation with their thanks and appreciation.

#### JAYCEES WEEK

The week of January 18-24 has been proclaimed Jaycees Week according to a proclamation read by the Mayor and received with their appreciation by Richard Wroten, president, Austin Jaycees; Mark A. Smith, Director, Austin Jaycees.

## ARBOR WEEK 3

A Resolution, signed by all Councilmembers, was read by Mayor McClellan designating the week of January 17-24, 1981 as Arbor Week. Dr. Harold C. Kilpatrick, Mrs. Wade H. Hudnall, and Ms. Margret Hofmann were in the Council Chamber to receive the Resolution. They thanked the Mayor and Council.

## DISTINGUISHED SERVICE AWARD

Mayor McClellan presented a Distinguished Service Award to the Bryker Woods Elementary School because they prepared a class room in an elm grove where they receive instruction in the environment. Mrs. Carol Moring, principal of Bryker Woods Elementary School thanked the Mayor for the award. Mr. Swift commented that the children deserve much of the credit because the 8, 9 and 10 year olds spread sand for the floor of the class room.

COMPREHENSIVE COMMUNITY PROGRAM  
ENERGY MANAGEMENT TASK FORCE

Councilmember Cooke moved that the Council appoint the following members to the Comprehensive Community Program Energy Management Task Force:

Charles Davis  
Tont Cuellar  
Susan Dirks  
Isaac Crawford Daniel  
Bob Anderson  
Robert Russell  
Francis McIntyre  
Earlene Wright  
Arturo Guevara  
Alan Black  
Scot Alexander  
Dennis Kamenitsa  
Samuel Robertson  
Mickey Fishbeck  
Elizabeth Adair  
Joyce McAlister  
Stuart Hersh  
George Patton  
David Mailer  
Ed Wendler Sr.  
Teresa J. Reed  
Dr. James Wray  
Joe Butler Sr.  
Ava Lynn Hardesty  
Fred Schumm  
Roger Robinette  
Brad Rockwell  
Tom L. Spoonts  
Preston Stanley  
Alica Mentell  
Dila Davis  
Elisa Kaplan

Denise Stokes  
Cynthia Tannehill  
Barbara Lee

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The motion, seconded by Councilmember Goodman carried by unanimous vote.

#### MINUTES APPROVED

Councilmember Cooke moved that the Council approve the Minutes for December 18, 1980 and January 8, 1981. The motion, seconded by Councilmember Mullen, carried by unanimous vote.

#### SALE OF LAND TO CLARKSVILLE

Councilmember Goodman moved that the Council adopt a resolution to extend the contract for the sale of certain land to Clarksville Community Development Corporation to March 1, 1981, in order for the CCD Corporation to receive the expected funds. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

#### SALE OF CITY OWNED LAND

Councilmember Goodman moved that the Council adopt a resolution to sell certain City-owned land to the adjacent owner, Robert A. Bond, 1008 West Lynn. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

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Councilmember Goodman moved that the Council adopt a resolution to sell certain City-owned land to the adjacent owner, Paul Keen, 1904 Happy Hollow. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## EROSION CONTROL EASEMENT 5

Councilmember Goodman moved that the Council adopt a resolution approving release of an erosion control easement acquired in the name of the State of Texas for the Highway Department located adjacent to the west right-of-way line of the 1100 block of Airport Boulevard. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## CONTRACTS APPROVED

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

CITATION FENCE COMPANY  
9413 Hunters Trace East  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Robert Mueller Municipal Airport  
West Side Service Road Security  
Fencing - \$16,784.50 C.I.P. No.  
78/81-12

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

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Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

DEAN JOHNSTON, INC.  
P.O. Box 3545  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Installation of Stage Lighting  
Control System, Municipal  
Auditorium - \$144,445.00 C.I.P. No.  
79/80-05

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

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Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

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| AUSTIN ENGINEERING COMPANY, INC.<br>P.O. Box 3255<br>Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -<br>Upper Walnut Creek Lift Station<br>and Force Main Improvements, Phase<br>1 - \$1,496,592.00 C.I.P. No. 72/23-05 |
|--|---|

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

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Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

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| AC MANUFACTURING COMPANY<br>C/O H.A. GRAY & ASSOCIATES<br>11815 Warfield, Suite 115<br>San Antonio, Texas | - Air Conditioning Unit, Data Systems<br>Department<br>Item 1 - 1 ea. - \$7,601.00 |
|---|--|

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

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Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

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| COPELCO CORPORATION<br>20 Brace Rd., Suite #220<br>Cherry Hill, New Jersey | - Blood Bank Refrigerator, Automatic<br>3 Channel Electrocardiograph,<br>Panoramoscope, Coag-a-mate, Ocutome<br>II Basic System, Fragmatone Basic<br>System for Brackenridge Hospital.<br>Items 1-6 - 36 months @ \$2,304.00<br>Estimated total \$82,944.00 |
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## AUCTION OF SURPLUS VEHICLES 1

Councilmember Goodman moved that the Council adopt a resolution approving disposal of by Auction Method on February 7, 1981 Surplus Vehicles and Equipment, including any items which may sell for \$5,000 or more. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## HEALTH SERVICE FOR INDOCHINESE REFUGEES

Councilmember Goodman moved that the Council adopt a resolution authorizing the Austin-Travis County Health Department to submit a grant request in the amount of \$53,732.00 to the Texas Department of Health for expansion of health services to Travis County Indochinese Refugees. (January 1981 to September 1981 - No City funds required.) The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## SUPPORT SERVICES FOR THE ELDERLY

Councilmember Goodman moved that the Council adopt a resolution authorizing submission of a renewal application to the Capital Area Planning Council, Governor's Committee on Aging for Support Services for the Elderly in the amount of \$30,603.00. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## JOINT USE AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution approving a Joint Use and Development of School and Recreation Facilities Agreement between Round Rock Independent School District and the City of Austin. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## AGENDA ITEM PULLED

Councilmember Goodman moved that the Council pull the following item from the Agenda until January 22, 1981: Consider adoption of proposed minimum standards for commercial aeronautical activities at Robert Mueller Municipal Airport. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## POLICY RESEARCH PROJECT ON THE OLDER ADULT

Councilmember Goodman moved that the Council adopt a resolution authorizing submission of a proposal for policy research project on the older adult as a community resource in response to the Request for Proposal issued by the Administration on Aging, Human Development Services, U.S. Department of Health and Human Services. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## EMPLOYER CHILD CARE VOUCHER

Councilmember Goodman moved that the Council adopt a resolution authorizing submission of a proposal for Employer Child Care Voucher Payment System in response to the Request for Proposal issued by the Texas Department of Community Affairs, Children and Youth Services Division. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None



## WEATHERIZATION ASSISTANCE

Councilmember Goodman moved that the Council adopt a resolution authorizing execution of Amendment #5 to the Weatherization Assistance for Low-Income Persons Contract with the Texas Department of Community Affairs extending the contract period through January 31, 1981. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## PUBLIC HEARING SET

Councilmember Goodman moved that the Council set a public hearing on January 29, 1981 at 2:15 p.m. to consider amending the Williamson Creek Development Standards Ordinance regarding impervious cover limitation for multi-family uses. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## MAYOR PRO TEM

Councilmember Goodman moved that the Council appoint Councilmember Trevino as Mayor Pro Tem until May 15, 1981, taking the place of former Councilmember Snell who resigned to become County Commissioner. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

ZONING ORDINANCE AMENDMENTS

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 720914-H, ENACTED BY THE CITY COUNCIL ON SEPTEMBER 14, 1972, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EFFECTIVE DATE. (C14-72-182)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760617-I, ENACTED BY THE CITY COUNCIL ON JUNE 17, 1976, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-76-039)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770811-F, ENACTED BY THE CITY COUNCIL ON AUGUST 11, 1977, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-77-072)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780720-G, ENACTED BY THE CITY COUNCIL ON JULY 20, 1978, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-78-091)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance: 12

AN ORDINANCE AMENDING ORDINANCE NO. 790531-G, ENACTED BY THE CITY COUNCIL ON MAY 31, 1979, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE, SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-79-075)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 801120-E, ENACTED BY THE CITY COUNCIL ON NOVEMBER 20, 1980, BY CORRECTING THE LEGAL DESCRIPTION AND THE HEIGHT AND AREA DESIGNATION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-80-168)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance: 13

AN ORDINANCE REPEALING ORDINANCE NO. 770331-B, ENACTED BY THE CITY COUNCIL ON MARCH 31, 1977; ADOPTING A NEW ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: LOT 1, BLOCK C OF M&G ESTATES, SECTION II, SAVE AND EXCEPT A 0.99 ACRE TRACT OF LAND, BEING 50 FEET IN WIDTH, OUT OF THE AFOREMENTIONED LOT 1, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,  
TRACT 2: A 15.24 ACRE TRACT OF LAND, BEING COMPRISED OF A 14.25 ACRE TRACT OF LAND AND A 0.99 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 7007-7109 ED BLUESTEIN BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-76-083)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 16, BLOCK 4, OUTLOT 62, DIVISION B, GRANDVIEW, LOCALLY KNOWN AS 2400 EAST 11TH STREET, ALSO BOUNDED BY SWENSON STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Pilgrim Rest Baptist Church, C14-80-183)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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14  
Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 1, 2, 3 AND 4, HOBBS SUBDIVISION, SECTION 2, LOCALLY KNOWN AS 3500, 3504, 3510A, 3510B, 3502, 3602, 3604, 3606 OAK SPRINGS DRIVE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Carl Hobbs, Christine Lary, Margaret Ward & Melvin Ward)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### CAPITAL CABLE

Mr. Jerry Harris, City Attorney, reported as follows on Negotiations with Capital Cable on Proposed Contract Extension: "As you know, we have had several meetings with representatives from ATC and Capital Cable Company regarding the negotiation of a possible new cable TV franchise for the City of Austin. We're a long way from having a document we can bring back to Council for a recommendation but the meetings and the negotiations we've had to date have been very productive and a lot of progress has been made toward getting us to that point where we can bring back a document to you. In the report you have this evening, I state that the negotiations at this point can be broken down into four categories. The first category is a detailed discussion of a 70 page draft franchise ordinance which was prepared by my department. The second area category is discussion of rebuilding the Austin system to a 54 channel two-way cable system. The third category would be discussion of rebuilding the Austin system to an 84 channel two-way system and in addition we have discussed the community programming package and finally we have had some discussions about an institutional network. We started negotiations by trying to go through the draft franchise to see if we could take care of some of the details in language. A substantial portion of the language we agreed upon in that particular franchise ordinance. That ordinance does not contain everything at this point that we want in a franchise ordinance but it eventually will. We did contain in the report we handed to you a table of content to identify briefly the sorts of sections we would anticipate would appear in a final franchise ordinance that might be recommended to the City Council. There are some important issues in that document that are yet to be resolved and will merit further discussions. I have listed in your report several of those items which are still outstanding. We need to discuss more about the definition of gross revenue. That is important because the gross receipts tax will be based on whatever is included in gross

revenues and our discussions are continuing in that area. We also need to have some more discussion on the provision that will be in the franchise, if there is one, relating to the adjustment of the franchise fee during the term of the franchise. Likewise for the discussion will need to be on the adjustment of the pole rental, if any, during the term of the franchise. Again the density of the area into which cable service must be extended bears further discussion in our negotiations and another outstanding item that is very important is going to be how are we going to handle rate increase requests in any new franchise that might be awarded." Mr. Harris said they also discussed the 54 and 84 channel system and said it would be a two-way system. Mr. Harris said a proposed rate structure for a 54 channel cable TV is attached to the report the Council has. Councilmember Cooke said he wants to see some alternatives to the proposals they have for tiers.

Mr. Harris continued, "As far as institutional network there is general agreement that we will have a good one and the commitment is there. We have an ascertainment study that will reveal a whole lot more about the details of the type of institutional network which we will want in Austin. If we award a franchise prior to the completion of the ascertainment study, we will work the institutional network provisions into the franchise." Mr. Harris pointed out that a modern franchise is much more complicated than the one completed 20 years ago and it will take some time to get all the details worked out. He is not certain at this time if they will meet the schedule set by Council previously.

Councilmember Mullen asked what the ascertainment study will show. Mr. Daron Butler, Assistant City Manager, told him that the request for proposal that we put out was for an ascertainment study dealing with the components of the access programming, management of it, and the institutional needs and loops within the community. That is what Mr. Smolen and his associates responded to, plus two other firms.

PAUL SMOLEN, president, Paul Smolen Associates, who was recommended to do the ascertainment study, appeared before Council. He stated, "We are going to help you and the people who are negotiating the contract find out exactly how the network will be designed and who will be using it. We will involve as many people using Austin Community Television, we have a letter from them. We will be working with the Austin League of Women Voters, Junior Chamber of Commerce and others to fill out the list Mr. Butler has made out and the maps and as soon as we are privy to the negotiations, any other information to give you what you need. We will have an initial screening survey, provide initial information about whether the people even want to use cable and then on down as to what the capabilities are, what their present use of the media is, what equipment they may have. We see the access concept and the institutional loop as being a very interactive concept." Discussion followed as to how the ascertainment study will be done. Councilmember Goodman ended the discussion by stating he thinks Mr. Smolen's proposal is excellent. A report will be given to Council on January 29, 1981.

FIRM APPROVED FOR ASCERTAINMENT STUDY

Councilmember Goodman moved that the Council adopt a resolution selecting the firm of Paul Smolen and Associates and approved a contract in connection with the Cable Television Ascertainment Study. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

MASSAGE PARLOR ORDINANCE

Chief of Police Dyson reported as follows on the Massage Parlor Ordinance:

I have reviewed the comments made by the City Attorney's Office concerning my recommendations on ways to strengthen the existing City ordinance regulating massage businesses. In light of these comments and in view of the recent court decision surrounding the new county ordinance, I propose the following:

1. That Section 18-2 (C-7) be deleted.
2. That the existing ordinance be restyled and the recommendations listed in my previous memo be incorporated as follows:
  - a. Section 18-14 Premises Used As Living Quarters (added);
  - b. Section 18-15 Entrances, Exits (added);
  - c. Section 18-16 Access (added);
  - d. Section 18-17 Massage Tables (added);
  - e. Section 18-18 Clothing of Massagers (added).
3. That an additional section entitled "Supervision" be added. This section would make it the responsibility of the licensee to insure that no violations of the ordinance occur on the premises. Refer to Section 18-21 of the proposed ordinance.
4. That the suspension and revocation procedures now incorporated in the ordinance remain the same.



Mayor McClellan introduced the following ordinance: 17

AN ORDINANCE AMENDING CHAPTER 18 OF THE 1967 CODE OF THE CITY OF AUSTIN; AMENDING THE MESSAGE PARLOR ORDINANCE BY: 1) DELETING SECTION 18-2 (c) (7) THEREOF WHICH EXEMPTS FROM THE REQUIREMENT OF A MASSAGERS PERMIT PERSONS WHO OPERATE A MESSAGE BUSINESS AS A SOLE PRACTITIONER OR WHO EMPLOY NO MORE THAN ONE MASSAGER AT ANY ONE GIVEN TIME; 2) ADDING THERETO SECTION 18-14 PROHIBITING THE USE OF THE PREMISES AS LIVING QUARTER; 3) ADDING THERETO SECTION 18-15 PROHIBITING ENTRANCES AND EXITS PROVIDING PASSAGEWAYS TO OTHER BUSINESSES OR RESIDENCES; 4) ADDING THERETO SECTION 18-16 PROHIBITING LOCKED OR OBSTRUCTED DOORS TO THE EXITS OR ENTRANCES OF THE ESTABLISHMENT DURING BUSINESS HOURS; 5) ADDING THERETO SECTION 18-19 REQUIRING THE APPOINTMENT OF AN INDIVIDUAL TO SUPERVISE THE PREMISES AND OPERATIONS OF THE ESTABLISHMENT; AND, 8) RENUMBERING EXISTING SECTIONS.

Councilmember Himmelblau moved that the Council waive the requirement for three readings and finally pass an ordinance amending the Massage Parlor Ordinance (as stated by Chief Dyson).

MR. FRANK HORSFAL appeared and said Council should not give Chief Dyson everything he wants and that prostitution cannot be outlawed.

RICHARD JONES, who represents Texas Association of Massage Parlor Owners, said they support nearly all of what Chief Dyson is asking for, however they think some of the things in the licensing provision should be more stringent than suggested. They have minor objections to sections on clothing and certain types of furniture. Mr. Jones said that before Council passes any amendment to the Massage Parlor Ordinance that a public hearing should be held on matters concerning who can qualify for a license and whether or not it is constitutional to ask a man who has already set up a business to re-tool it. Mayor McClellan told him that our Legal Department is comfortable with the constitutionality of the amendments. She suggested Mr. Jones talk to the City Attorney about anything he feels is too restrictive and the ordinance can be amended later. Mr. Jones said the City should not enact 18-17 and 18-18 until the court rules.

Substitute Motion Made and Withdrawn

Councilmember Goodman offered a substitute motion to approve all changes but not 18-17 and 18-18. He then withdrew his motion.

Roll Call on Motion - FAILED

Roll Call on Original Motion failed to carry by the following vote:

Ayes: Mayor McClellan, Councilmembers Himmelblau, Mullen  
Noes: Councilmembers Cooke, Goodman, Mayor Pro Tem Trevino

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino

Noes: None

The Mayor announced that the ordinance had been finally passed.

(Sections deleted are as follows:

Section 18-17. Massage tables. The massage shall be performed on a massage table or treatment table. No beds, water mattresses, cots or other equipment designed for sleeping shall be permitted on the premises.

Section 18-18. Clothing of massagers. The massager's clothing shall at least cover the massager's public area, perineum, buttocks, natal cleft and entire chest to four inches below the collarbone and legs and not exposed more than six inches above the knees. The massager's clothing shall be kept clean at all times. Soiled clothing shall not be worn during the massage. The massager's clothing shall be opaque.)

At the time of roll call, Mayor McClellan stated, "Yes, but with disappointment that we didn't do as tough as the law allows." Councilmember Himmelblau stated, "I vote Yes, but I would prefer the entire ordinance as submitted."

#### ALTERNATIVES TO UDAG PROPOSAL FUNDING

Mr. Carlos Herrera, Director, Human Services Department, presented the following City Manager Report on Alternatives to UDAG Proposal:

##### Background

"During its meeting of January 8, 1981 the City Council requested that a report be prepared and presented on January 15th concerning possible match funding sources for the UDAG project sponsored by the EACEDC. Prior to this date, EACEDC had requested that we consider meeting the full match requirement with CDBG funds.

### Factors Considered

Attached is the match-funding report for the East Austin Scattered Site/Infill Housing project in three sections: the first section deals with the amounts of funds requested by fiscal year; the second section identifies the possible sources and any information felt to be relevant to a decision concerning the use of funds from a particular source; and, the third section examines the longer range implications of the match funding question.

### Conclusion

As you will be able to see from the attached report, no suitable source exists to meet the UDAG match requirement. I can only conclude, from the attached analysis that there are currently insufficient funds to meet even a small part of the UDAG match for EACEDC's project.

I would further like to point out that the development of sources for match funds is a matter which should be taken up in the earlier stages of a long process that begins with the development of a project design. As stated earlier, the department did not have benefit of a final project design as late as last week."

Councilmember Cooke questioned Mr. Herrera concerning the funding alternatives and asked if they can go into the 7th Year CDBG funds and asked for a report on the status of CDBG on a Federal level. After some discussion, Mr. Herrera said there is no way that the process can be circumvented and the application process was considered. Mayor Pro Tem Trevino indicated a willingness to use whatever other funds are available. Councilmember Cooke said he felt we are not responding to what the community wants and needs. He feels like HUD will disallow the request and would like to meet with the directors of HUD. Mr. Muehlenbeck, Deputy City Manager, stated the staff will be happy to set up a meeting with decision making officials and discuss what is being talked about tonight. Councilmember Cooke said his concern is, "If the Council made the commitment, the upfront commitment, let's just talk 7th year CDBG monies right now. If they made that commitment and it went through the citizen process and the citizen supported that commitment, what I hear, and correct me if I'm wrong, is that HUD is going to disallow that automatically even if the citizen after the process, just because we said up front we wanted to commit to in and the citizens then had a chance to do it. It went through the citizen's process and if they supported it then I don't see how HUD in the first place would disallow what the community wants and what the neighborhood wants."

Mr. Muehlenbeck said he believed what Mr. Herrera is saying is two things, "First of all we defined our mission as attempting to find out if there are existing funds available for any kind of a match for this project from existing funds. Secondly, when we started to discuss future CDBG allocations which is in this 7th year, I think all he is doing as a staff member is advising the Council of possible problems we could get involved with if these obligations are made ahead of the process that the Council puts its staff on every year. All I am suggesting is let's see if we can sit down together and advise them of what we are going through and see what their feelings might be. We'll be happy to do that."

Councilmember Cooke referred to 6th year CDBG monies and asked if there are any problems foreseen with any major projects. Mr. Herrera said he does not. Some of the projects at this point are conceptual in nature and will be brought back when a specific plan is for the project. Councilmember Cooke said, "If these conceptual projects are still to be conceptual in their design stage a year from now while we are letting that money sit there and we may have another process we can proceed with it is hard for me to just leave that money continue to lose its buying power." Mr. Herrera said the killer in the whole system is time. "We have discussed changing some projects around in order to find money. The time element will not permit us to do that. If we had the time, and in my opinion we do if we were looking at April. You are looking at a five year project. To wait between now and April in my opinion still would not be unreasonable. I think there are some other constraints that the developer has in terms of the commitments that he may have with the land option but that is something that needs to be looked at also." Mayor Pro Tem Trevino suggested that if we are really committed to getting this project before the end of the deadline the City of Austin should sit down with the developer and see what type of commitment he is willing to make.

Council will consider this issue again.

#### SOUTH AUSTIN HOSPITAL

Council had before it a resolution to consider appeal of Texas Health Facilities Commission decision on South Austin Hospital to the Courts.

#### Motion

Councilmember Himmelblau moved that the Council adopt a resolution supporting the majority report of the Hospital Board and file an appeal with Holy Cross Hospital, with Health Services Agency being named in support of this appeal. The motion was seconded by Councilmember Cooke.

Mayor McClellan said she would speak against the motion. "I am a great supporter of Brackenridge Hospital, as this Council well knows. ... I also am well aware though that from the best I can determine from talking with attorneys is that judges in this type of case cannot substitute his/her judgement as to what is for the administrative agency involved and that a judge on administrative appeal doesn't simply have to look at the evidence and see if there is evidence to support a finding. I think there are volumes of evidence on all sides of this issue but there is a lot of evidence to support the finding. I think such an appeal would not be successful and I see no reason to continue to consume city staff time and city taxpayers dollars fighting our own good citizens even if some of us might disagree with the decision made by the Texas Health Facilities Commission, so I will not support the motion."

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Councilmember Goodman stated, "This Council has been advised tonight that one other hospital is already going to proceed with the appeal." Mayor McClellan said, "If we do" has been attached.

Roll Call on Motion - FAILED

Roll Call on the Motion failed to carry by the following vote:

Ayes: Councilmembers Cooke, Himmelblau  
Noes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Goodman

PUBLIC HEARINGS RE-SET

Mayor McClellan pointed out to Council that two public hearings had been set for 6:30 p.m. to consider annexation of and direct the administration to institute annexation proceedings to annex the following:

- a. 7.31 acres of land requested by owner, a portion of Barrington Oaks Section 11 Subdivision. C7a-80-013
- b. 201.0 acres (199.38 acres requested by owner, and out of the Thomas Anderson League No. 17, and 1.62 acres initiated by the City) C7a-80-014

Mayor McClellan said they can either proceed or reschedule. The Law Department has requested City Council to delay consideration of annexations for a few weeks until after the scheduled City Council elections are completed. Councilmember Himmelblau said she could see no reason to have the hearings at this time. Councilmember Cooke asked if they can hear and pass the annexation ordinances on first reading. Jerry Harris, City Attorney, said they can do and then finally pass within 90 days. Mayor Pro Tem Trevino suggested Council wait.

Motion

Councilmember Goodman moved that the Council re-set the public hearings on annexation (a. & b. above) for April 16, 1981 at 7:30 p.m. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

NEW DESIGN STANDARDS FOR OFF-STREET PARKING 22

Mayor McClellan opened the public hearing, set for 7:00 p.m. to consider amendments to the Zoning Ordinance (Chapter 45) relating to new design standards for off-street parking, bicycle/moped parking and hotel parking.

No one appeared to be heard.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 (ZONING) OF THE AUSTIN CITY CODE OF 1967; PROVIDING NEW STANDARDS FOR MIXED USE PARKING GENERALLY AND FOR MIXED USE PARKING FOR HOTEL COMPLEXES; PROVIDING NEW DESIGN STANDARDS FOR OFF STREET PARKING INCLUDING PROVISIONS FOR COMPACT AND HANDICAPPED SPACES; PROVIDING STANDARDS FOR BICYCLE PARKING; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

CLOSING OF SAN JACINTO DISCUSSED

MR. WILLIAM RALLIS appeared before Council to discuss the closing of San Jacinto from Martin L. King Jr. to 26th Street near the University of Texas. He protested the closing.

CITIZEN DID NOT APPEAR

MR. FRANK C. COOKSEY, who had requested to appear before Council to discuss completion of task of Edwards Aquifer Task Force, did not appear.

PARADE PERMITS

Councilmember Mullen moved that the Council approve the following Parade Permit request:

Parade Permit requested by Mr. Frank A. Newsome for Austin Travis County Livestock Show and Rodeo from 2:00 p.m. to 3:30 p.m., Saturday, March 14, 1981 beginning from City Auditorium up Lavaca north to 11th Street, east to Congress crossing Town Lake, right on Barton Springs Road, right on Riverside Drive to auditorium.

The motion, seconded by Councilmember Cooke, carried by unanimous vote. (Councilmember Goodman was out of the room)

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Councilmember Mullen moved that the Council approve the following Parade Permit request:

Parade Permit requested by Mr. David C. Ray for the Austin American-Statesman - Capital 10,000 from 10:00 a.m. to 12 noon, Sunday, March 22, 1981, beginning from 15th Street and Congress Avenue, west on 15th Street and Enfield Lane to Exposition Blvd., turn left on Exposition, left again on Lake Austin Boulevard, right on West 1st Street and right on the 1st Street Bridge, right on Riverside Drive and enter finish area on Auditorium Shores.

The motion, seconded by Councilmember Cooke, carried by unanimous vote. (Councilmember Goodman was out of the room)

WASTEWATER SERVICE REQUESTED

Council had before it for consideration the allocation of wastewater service capacity in the Bull Creek Lateral A wastewater service capacity in the Bull Creek Lateral A wastewater line to the Northwest Travis County MUD No. 1 and the Springwoods Municipal Utility District.

Mr. Bill Bulloch, Director of Water and Wastewater, said the approvals of Northwest Travis County MUD No. 1 and Springwoods MUD were predicated on some negotiations with the City. At that time the developers had discharge permits, one into Bull Creek Northwest MUD 1 and the other into Brushy Creek which is Springwoods MUD. As a result of the negotiations with the City the MUD's were created and the contract with the MUD predicated having the MUD's lift or move their wastewater into the City sewer system.

Specifically Bull Creek Lateral A. In 1978 the Council as a part of the approval of approach mains for Great Hills oversized Bull Creek Lateral A to serve 10,000 living unit equivalents outside of the natural drainage basin of this portion of Bull Creek. The Council and staff have talked about allocation of that capacity. As a result of the MUD's moving forward we now are at a point from an engineering standpoint where we must make some allocations for engineering design purposes so the engineers for Springwoods MUD can finalize plans for the wastewater facilities tying into Bull Creek Lateral A. What we were trying to accomplish with the proposed allocation is not to prohibit Council from how the areas outside of the MUD should be served, but from an engineering standpoint to allocate the capacity that we can size the wastewater lines coming from Springwoods down to Bull Creek Lateral A and the lift stations will be built by Northwest MUD 1 lifting the water up into the line that will come down to Bull Creek Lateral A. That is the purpose of the allocation. We want to come in and develop a contiguous service area to allow the orderly development of the subdivision process of this area in between on the wastewater facilities that are being designed by Northwest MUD 1 and Springwood so we don't end up with spotting of wastewater service, septic tanks, etc. That is the intent of trying to come back to Council with the allocation for design purposes and with the service area discussed in the northwest area study. The allocation is for design purposes for the facilities that are being constructed by the MUD at the MUD's cost. The service area could be changed, depending on the density.

Councilmember Cooke said he has a problem with oversizing to the limit the staff is recommending. Councilmember Mullen expressed concern that if the City goes out and nobody develops "We will have financial obligations I don't like." Mr. Bert Hooper, representing the MUD's made several comments and after considerable discussion it was decided to bring this item back on January 22, 1981.

#### PROPOSED GAS RATE CHANGES

Mayor McClellan opened the public hearing, scheduled for 8:30 p.m. to consider Southern Union Gas Company's Statement of Intent to Change Rates and Statement of Intent to Implement a Special Service Charge for the Recovery of Energy Audit Costs.

MR. STAFFLER, representing R.W. Beck and Associates, reviewed the Report on Statement of Intent to Change Rates Filed by Southern Union Gas Company for Retail Gas General Service in the City of Austin, Texas and Environs. (COPY OF THE REPORT IS ON FILE IN THE CITY CLERK'S OFFICE)



WILLA HARDIN, representing ACORN, appeared and said she agrees in general with the report but the heaviest burden will be placed on the customer least able to pay.

CECILIA HART said there is a question of whether there is a need to raise fees, let alone double the turn on fee.

LOU FUNK, member of ACORN, said that the air conditioning rate is too high and supports proposal #7 lifeline rate.

HARRY KASTNER, member of ACORN, said the customer audit for heat efficiency is a good program but he did not know if it is worth the payment of \$15.00. He asked if the Council can determine if the city can offer the service rather than Southern Union. He said they recommend the City take the consultant's advice on charges.

NELL HAWN appeared before Council to state she disagrees with some of the aspects of rate design but feels that overall the consultant has done a good job with the data given. She said ACORN urges Council to turn down the rate rider. Ms. Hawn also said the fee increase cannot be justified.

#### RECESS

Council recessed its meeting at 10:30 p.m. and resumed its recessed meeting at 10:40 p.m.

FRANK HARSFAL appeared before Council and said he objects to the Council awarding anything to Southern Union on the basis of something we know nothing about. He also asked why people should be charged \$15.00 to learn how to conserve energy.

CHARLETTA HARROW appeared to say she is not convinced Southern Union is giving good service.

JACK HOPPER feels confident Council will do the right thing. He expressed concern regarding Southern Union tactics.

MR. ROBERT LACZKO, District Manager, Southern Union Gas Company, stated their statement of intent contains a tremendous amount of information. "We have had our books, records and people available for any information that either the Council, the City's legal consultant, or the city's consultant has needed in order to review our request. We received a copy of the R.W. Beck report last Thursday. It has been examined. They recommend a revenue deficiency in their report which in my estimation is between 980,000 and 1,125,000 dollars less than that which would be allowed by current Railroad Commission practices. Those figures are based upon the March 1980 ending test year which we used in our rate application. This amount of difference is fairly consistent with the differences that we have had in different rate cases as compared to what the City's consultants have recommended and what the

company has ultimately received on appeal to the Railroad Commission or in some cases, even to the court. Southern Union's application contains some rate making practices which the company feels are justified but which have not yet been accepted by the Railroad Commission. Likewise the Beck recommendation is based on several rate making practices which are not being utilized by the Railroad Commission either. I can understand a comment made by Attorney Butler some time ago that change never can take place unless supported, but that works both ways. If the company appeals a decision from the City Council I think current practice is for the Railroad Commission to make rates effective on the date on which they take jurisdiction. That eliminates the advantage that the City Council can obtain by merely denying rate increase or offering a rate increase that they know is so small the utility can't afford to accept it. The practice has been for the Railroad Commission to institute surcharges for the collection of those rates which would have been collected if the rates had been placed into effect at the proper time. The bottom line is that the company cannot really afford to accept an increase merely as a concession to the rate making theory of the rate consultant. We will be willing to consider an increase that would be consistent with current Railroad Commission practice and consistent with a figure we feel confident would be if we did have to appeal to the next level of regulatory authority."

Councilmember Himmelblau said she had asked staff for some information regarding the possibility of the City and Southern Union sharing an energy audit. She felt this would be logical and would not cost the consumers very much. Mr. Laczko said the Federal rules would cover that. He said they must offer an energy audit if requested and if a second audit is required by a customer, that customer has to pay the full price of the audit. He said that Southern Union would keep records and give them to the Electric Department and that way customers would not be duplicated at a low fee or no fee type of basis.

Councilmember Himmelblau read from her memo: "It's the opinion of the Electric Department that energy audits can be coordinated where the utilities are in a common geographical area. Program announcements and offer to audit for energy conservation may be developed jointly by the utilities and must be sent to each customer of each utility."

Don Butler, Legal Counsel for the City of Austin concerning Southern Union rate request, appeared before Council and told them, "It is interesting that those things complained about by the company, their procedure is not in compliance with current Railroad Commission procedure. The big issue which may change any of these numbers is probably going to be on the rate of return. Anyone who crawls up here to this stand and tells you the Railroad Commission is going to come in at some specific amount either doesn't know what they are talking about or else they have some sort of pipeline to the future that I'm not privy to. I would point this out as far as what has occurred in the past. Since the Railroad Commission adopted procedures that are more consistent with regulatory practices throughout the country...In the 1976 Southern Union case the company requested an increase of about \$2.4 million dollars. Your consultant who was then George

Hess recommended an increase of about \$1.1 million dollars. The Railroad Commission was for \$1.2 million dollars. The company got about half of what they asked for. In the 1978 Southern Union case, the company asked for an increase of \$3.9 million dollars. The Railroad Commission final order was \$1,367,000 or about 35% of what the company had requested. Here they are asking for \$3.8. The consultants are recommending \$1.5 which is about 40% so this is in line with what the Railroad Commission has done in the past. .... Just because the Railroad Commission might do something doesn't necessarily mean that you ought to do it yourself. If we were still doing things in utility regulation that the Railroad Commission was doing in 1970 the amount we would be talking about here would be a half million dollars. .... I would say the Railroad Commission will probably give more than 1.5. I don't think they ought to but they probably will."

Mayor McClellan asked the staff to prepare this for next week's agenda, preparing all the options, rate ordinances, reflecting what our consultant is recommending.

#### Motion

Councilmember Goodman moved that the Council close the public hearing and instruct the City Manager to instruct the City Attorney to prepare a rate ordinance, reflecting the recommendations of the rate consultant. The motion, seconded by Mayor Pro Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None

#### WATER & WASTEWATER FOR WEST RIM

Council had before it a resolution to consider request for water and wastewater approach mains to serve the West Rim Subdivision. Councilmember Himmelblau said, "I understand at the Planning Commission Mr. Wille spoke to the operation and maintenance costs and said the applicant would be willing to pay for maintenance costs if such a policy was set by the Council. I understand from staff that the operation costs would be higher than most of the maintaining of the lines and the operational cost of the average line here in town. Also, it would be about \$5,000 a year when there would be few customers on the line to recover the costs." Mr. Bulloch explained, "The lift station and force main system that are in place at this time on the wastewater line, as the Council knows, any time you have a wastewater line that has to be augmented by a lift station force main, your operational costs are higher. We want to bring that to the Council's attention as far as the wastewater system. It was just a statement of fact associated with the operation of that line that's already in existence. It's no higher to operate than any other lift station we have in the system of comparable size." Councilmember Himmelblau asked about the maintenance. Mr. Bulloch said the only difference in the operation of the water line is you have to insure there is adequate fire protection at higher elevations and so there will be a booster pump. Any time a booster of in line pump is

At the time of roll call, Mayor Pro Tem Trevino made the following statement:

"When the issue came up in 1977, I had no qualms about making the motion to deny the approach mains to the development proposed by Doyle Wilson. And I wasn't satisfied at the speed in which this request came to us. When it was before us last week, I asked for a postponement so I could study the difference between the 1977 and 1981 versions of the West Rim approach mains.

There are differences:

1. Density is half that of the 1977 proposal.
2. By the time the development is completed, the Highway 360 will be completed, which will take about 40% of the traffic off the low water bridge, and West Lake Drive will be reconstructed to keep West Rim traffic off the lake road.
3. Part of this proposed development is inside the City, which our Attorney says mandates sewer service when capacity is available.
4. If we deny the main, the developer can still develop with septic tanks, which while it would lower density about 20%, it would increase the roadway network which, of course, increases runoff by a similar percentage.

Accordingly, I will vote Yes."

#### WASTEWATER APPROACH MAIN

Councilmember Mullen moved that the Council adopt a resolution approving the following Wastewater Approach Main:

#### VILLAGE JOINT VENTURE

- For construction of a wastewater approach main to serve the Village at Western Oaks, VIII - XI.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Mayor McClellan

Noes: None

Abstain: Mayor Pro Tem Trevino

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installed it's dedicated to the City for operation and maintenance. That would be the difference on the water line. Councilmember Himmelblau said she understood that Mr. Wille said he will be willing to pay for the maintenance costs if such a policy were set. Councilmember Himmelblau said, "This would be out of the City, so they would be paying time and a half on the wastewater as well as the water, would they not? Mr. Bulloch said there are somewhere between 11 and 12 acres that are inside the City limits, so the rates would be the same as for anyone else inside the City limits. The other 90 to 91 acres, the rates would be 1½ times. Councilmember Himmelblau said with the lines there she would grant this request, however I don't think if the lines were not under the lake I would expand the service in this area but I am interested in knowing who is going to bear most of the cost now that we have about 12 miles in the City. Mr. Bulloch said that was brought to his attention just today and he has not run any computations on them yet but as a part of Council's approval will bring that information back next week.

#### Motion

Councilmember Himmelblau moved that the Council adopt a resolution approving the request for water and wastewater approach mains to serve the West Rim Subdivision. The motion was seconded by Councilmember Cooke.

Mr. Bulloch said so far there have been commitments for 290 living units in the subdivision process. The applicant is proposing to bring on an additional 102 living unit equivalents. This leaves about 60 living units left on the line with the limiting factor as far as access into the lift station is the 12" wastewater line not the lift station. If someone else were to approach the city with a wastewater approach main coming from another direction on the peninsula they could utilize the full capacity of the lift station by adding another 35 living unit equivalents.

Dorothy Harboe discussed the sewer system.

Dick Stanford felt this was setting a precedent.

Frances Larson Ledbetter expressed concern about the future value of her land. She said she is not trying to stop West Rim and likes the one unit per acre criteria.

KEN MANNING said he is in favor of what is happening out there.

#### Roll Call on Motion

Roll Call on Motion showed the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None

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Councilmember Himmelblau said she wanted to discuss the size. Mr. Bulloch, Director of Water and Wastewater showed her a map and stated:

"As requested by the City Council at their January 8, 1981 meeting, approach main alternatives have been developed for the above subdivision. In order to provide wastewater service to the Village at Western Oaks only (515 lots, 138 acres), a ten (10) inch wastewater approach main is required. The estimated cost of the ten (10) inch approach main is \$265,116, which includes 6% engineering fees. No cost participation is recommended due to subdivision capacity requirements.

A second alternative that the Council could consider relates to sizing the wastewater line to service the intervening property as well as the proposed subdivision which is requesting service. This approach main would be fifteen (15) inches in diameter, capable of serving 1222 living-unit-equivalents on 316 acres. The estimated cost of this line is \$334,950, which includes 6% engineering fees. Based upon the proposed development, the cost to the developer would be \$140,680, and the City would repay the developer \$194,270 for the excess capacity of the approach main that could be used to serve the intervening land."

Tom Curtis, representing the Georgetown Development Company, told Council that a 15" line is not sufficient and they and C.B. Smith will pick up additional costs over and above. Sam Perry, representing C.B. Smith said they are willing to pay their part. J.W. Smith cited the problem he has and Mr. Curtis said that also included will be Mr. Smith's problem.

Mr. Ira Yates appeared and urged Council to have the proper size for the line and does not want it to jeopardize other watersheds.

#### AUDIT PROPOSAL

Council had before it a resolution to consider the proposal of Peat Marwick, Mitchell for the Audit of Fiscal Years 1980, 1981 and 1982. (Recommended by the Audit and Finance Committee)

Mayor McClellan said she wanted to make two suggestions; "One, direct the City Manager to design an appropriate request for proposal which would call for proposals from major auditing firms to provide a full five year audit beginning with fiscal year 1980-81 and that the RFP's be reviewed by Council's Audit and Finance Committee and then brought to Council. Second, I would request we direct the City Manager and his staff to meet with Peat, Marwick and Mitchell to determine how 1979-80 audit can be completed for a reasonable cost and have that recommendation be reviewed by the Audit and Finance Committee and then brought to a presentation before the Council.

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Councilmember Cooke moved that the Council direct the City Manager to design an appropriate Request for Proposal which would call for proposals from major auditing firms to provide a full five year audit beginning with fiscal year 1980-81 and the RFP's be reviewed by Council's audit and Finance Committee and then brought to Council; also direct the City Manager and staff to meet with Peat, Marwick and Mitchell to determine how the 1979-80 audit can be completed for a reasonable cost and have the recommendation reviewed by the Audit and Finance Committee before being presented to Council. The motion was seconded by Mayor McClellan.

Substitute Motion

Councilmember Goodman moved that the Council adopt a resolution accepting the proposal of Peat, Marwick, Mitchell for the Audit of Fiscal Years 1980, 1981 and 1982. The motion was seconded by Councilmember Mullen.

Councilmember Cooke expressed the opinion that this could leave the Council with a poor financial condition and that this price is too high. He felt the second part of the Mayor's motion is strong. Councilmember Goodman said the budget figure of \$175,000 is too low and that a price cannot be put on a level of enthusiasm. He pointed out that the books are being put in good order. He felt that we are in a transition with our accounting system and should abide by the Audit and Finance recommendation.

A discussion followed.

Roll Call on Substitute Motion

Roll Call on Substitute Motion FAILED to carry by the following vote:

Ayes: Councilmembers Mullen, Goodman, Himmelblau

Noes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Roll Call on Motion

Roll Call on Motion FAILED to carry by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: Councilmembers Goodman, Himmelblau, Mullen

MR. LOVE, representing Peat, Marwick and Mitchell said he will be happy to meet with Council. He said Austin is growing very rapidly and difficult to keep audit current. He said his firm has a good handle on the accounting system and Austin will only be billed for actual costs incurred. He said they have assembled the best people to give the best service. 32✓

Discussion followed concerning the bidding process and the value of an audit.

Motion - Failed for Lack of Second

Councilmember Himmelblau moved that the Council charge the Electric Utility for the hours they would need for the audit, go with the base figure of \$175,000 that was approved in this year's operating budget and then come back with an Ordinance to amend the Operating Budget for the remaining \$70,000 and hold with our contract with Peat, Marwick and Mitchell. The motion FAILED for lack of a second.

Mayor McClellan felt there should be negotiation and then come back to Council with this.

WAIVER OF RELEASE

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

The Mayor announced that the ordinance had been finally passed.

Ord No.  
81-0115-2



The following letter was sent to Mr. John German, Director, <sup>33</sup>  
Department of Public Works, from Ann Richards, Travis County Commissioner,  
Precinct 3:

You recently received a letter from my office (December 8, 1980) requesting consideration of an easement held by the city in the area of Wild Basin Wilderness Park. The park planner retained by Precinct Three, Mr. Jose Gil, advised that the request could not be considered without an application fee of \$150.00. I submitted a personal check in that amount.

It seems totally inappropriate to me that the taxpayers of this county should be required to pay the city an application fee for consideration of the request since the principal users of the Wilderness Park are residents of the City of Austin. I am willing to personally underwrite this cost to avoid spending tax dollars in what I consider to be an unjust charge in this situation. Please advise me what procedure that I might follow in securing a waiver for the fee.

#### PARKING OF MOBILE TELEVISION VAN

Councilmember Goodman moved that the Council authorize the parking of a mobile television van in the alley between East 8th and East 7th Streets behind the Paramount Theatre on Saturday, January 17, 1981 through Sunday, January 18, 1981. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None

TRAFFIC SIGNALS

34

Councilmember Cooke moved that the Council approve funding for traffic signals as follows:

Fund twelve traffic signals: two (\$80,000) from the remaining traffic signal CIP balance and ten (\$400,000) from the interest earned on CIP investments. This option provides for new signal installations and a small contingency for other projects. Depending on the actual cost of each signal, it may be possible to install all thirteen signals with the total funds available.

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino

Noes: None

(This was Option II of proposed options.)

ADJOURNMENT

Council adjourned its Council Meeting on January 16, 1981 at 12:50 A.M.

APPROVED

*Carol Keith McClellan*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk